

REMARKS

Claims 17-43 are all the claims pending in the application.

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmitt et al. (U.S. Patent No. 5,889,874) in view of Widemar et al. (U.S. Patent No. 6,533,062).

Claims 17, 19, 20, 26, 41 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba et al. (U.S. Patent No. 4,870,688) in view of Widemar.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Juneau et al. (U.S. Patent No. 6,228,020).

Claims 22-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Olsen (U.S. Patent No. 6,430,296).

Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Vorba as applied to claim 17 and further in view of Nassler (U.S. Patent No. 4,879,750).

Claims 27 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Berger (U.S. Patent No. 6,164,409).

Claims 27 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Yoest (U.S. Patent No. 5,970,157).

Claims 31-35 and 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Yoest (U.S. Patent No. 6,167,141).

Claims 36-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Gore et al. (U.S. Patent No. 4,620,605).

Applicants respectfully traverse these rejections on the following basis.

Personal Interview

The Applicants thank the Examiner for the interview dated September 14, 2003. In the interview, the Applicants explained that in the present invention, the faceplate is manufactured using the digital model of the auditory canal. On the other hand the prior art combination of Voroba and Widemar does not disclose or suggest the inventive combination with the faceplate being manufactured based on the digital model of the auditory canal.

Rejection of claims 17, 19, 20, 26, 41 and 43 bases on Voroba et al. in view of Widemar.

As indicated to the Examiner during the interview dated September 14, 2003, the present invention, as recited in claim 17 requires an inventive combination with the faceplate being manufactured according to the digital model so as to have a circumference matching said junction contour. The combined teaching of Voroba and Widemar does not disclose (or suggest) **manufacturing the faceplate based on a digital model of the auditory canal.**

Claims 19, 20, 26, 41 and 43 depend on claim 17. Therefore, the arguments discussed above regarding the patentability of claim 17 are equally valid.

Rejection of claim 21 based on Schmitt et al. and Widemar et al.

Claim 21 (as amended) includes the limitation related to the face plate discussed above in relation to claim 17. Therefore, the arguments discussed above regarding the patentability of claim 17 are equally valid.

Rejection of claim 18 based on Voroba in further view of Juneau et al.

Claim 18 (as amended) includes the limitation related to the face plate discussed above in relation to claim 17. Therefore, the arguments discussed above regarding the patentability of claim 17 are equally valid.

Rejections on claims 22-25 based on Voroba and further in view of Olsen.

Claims 22-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Olsen (U.S. Patent No. 6,430,296).

Claim 22 (as amended) includes the limitation related to the face plate discussed above in relation to claim 17. Therefore, the arguments discussed above regarding the patentability of claim 17 are equally valid. Further, Olsen does not overcome the deficiency noted above in the teachings of Voroba and Widemar.

Rejections on claim 28 based on Voroba in view of Nassler.

Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Nassler (U.S. Patent No. 4,879,750).

Claim 28 (as amended) includes the limitation related to the face plate discussed above in relation to claim 17. Therefore, the arguments discussed above regarding the patentability of claim 17 are equally valid. Further, Nassler does not overcome the deficiency noted above in the teachings of Voroba and Widemar.

Rejections on claims 27 and 30 based on Voroba in view of Berger.

Claims 27 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Berger (U.S. Patent No. 6,164,409).

Claims 27 and 30 are dependant on claims 17 and 28 respectively. Therefore, they are allowable at least by virtue of their dependence. Further, Berger does not overcome the deficiency noted above in the teachings of Voroba and Widemar.

Rejections on claims 27 and 29 bases on Voroba in view of Yoest.

Claims 27 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Yoest (U.S. Patent No. 5,970,157).

Claims 27 and 29 are dependant on claims 17 and 28 respectively. Therefore, they are allowable at least by virtue of their dependence. Further, Yoest does not overcome the deficiency noted above in the teachings of Voroba and Widemar.

Rejections on claims 31-35 and 42 based on Voroba in view of Yoest.

Claims 31-35 and 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Yoest (U.S. Patent No. 6,167,141).

Claim 31 (as amended) includes the limitation related to the face plate discussed above in relation to claim 17. Therefore, the arguments discussed above regarding the patentability of claim 17 are equally valid. Further, Yoest does not overcome the deficiency noted above in the teachings of Voroba and Widemar.

Claims 33 ad 34 are dependant on claim 17. Claims 32 and 42 are dependant on claims 31 and 36 respectively. Therefore, they are patentable at least by virtue of their dependence.

Rejections on claims 36-38 bases on Voroba in view of Gore et al.

Claims 36-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Voroba as applied to claim 17 and further in view of Gore et al. (U.S. Patent No. 4,620,605).

Claim 36 (as amended) includes the limitation related to the face plate discussed above in relation to claim 17. Therefore, the arguments discussed above regarding the patentability of claim 17 are equally valid. Further, Gore does not overcome the deficiency noted above in the teachings of Voroba and Widemar.

Claims 37 and 38 are dependant on claim 36. Therefore, they are patentable at least by virtue of their dependence

Allowable Subject Matter

Claims 39 and 40 are allowed.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Chid S. Iyer
Registration No. 43,355

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 27, 2004